

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN WALKER,

1:02-cv-05801-AWI-GSA-PC

Plaintiff,

ORDER GRANTING MOTION TO EXTEND
DISPOSITIVE MOTIONS DEADLINE

vs.

(Doc. 159.)

UNITED STATES OF AMERICA,
et al.,

New Dispositive Motions Deadline - 01-05-2011

Defendants.

_____/

Plaintiff is a former federal prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). Plaintiff filed the complaint initiating this action on June 25, 2002. (Doc. 1.) On November 24, 2010, Defendants filed a motion to extend the deadline for filing pretrial dispositive motions. (Doc. 159.)

MODIFICATION OF SCHEDULING ORDER

A court may modify a scheduling order for good cause. Fed.R.Civ.P 16(b)(4). To establish good cause, the party seeking the modification of a scheduling order must generally show that even with the exercise of due diligence, they cannot meet the requirement of the order. Johnson v. Mammoth Recreations, Inc., 975 F2d 604, 609 (9th Cir. 1992).

Defendants request modification of the scheduling order to extend the deadline for the filing of pretrial dispositive motions, from November 30, 2010 until January 5, 2011. (Docs. 142, 152, 159.)

1 Due to a change in their attorney of record, Defendants are unable to review the voluminous file and
2 complete a pretrial dispositive motion prior to the expiration of the current deadline of November 30,
3 2010. Defendants have shown good cause for an extension of the deadline. Therefore, Defendants'
4 motion shall be granted, and the deadline for filing pretrial dispositive motions shall be extended for all
5 parties to this action.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Defendants' motion for extension of the pretrial dispositive motions deadline is
8 GRANTED; and
- 9 2. The deadline for filing pretrial dispositive motions is extended from November 30, 2010
10 to **January 5, 2011** for all parties to this action.

11
12 IT IS SO ORDERED.

13 **Dated: November 29, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE